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*Attorneys for Defendant Kevin Kish, Director of
the California Civil Rights Department*

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

**HINDU AMERICAN FOUNDATION, INC.,
a Florida Not-For-Profit Corporation;
SAMIR KALRA; MIHIR MEGHANI;
SANGEETHA SHANKAR; DILIP AMIN,
SUNDAR IYER, RAMANA KOMPELLA
as individuals; and DOE PLAINTIFFS ONE
TO THREE,**

Plaintiff,

v.

**KEVIN KISH, an individual, in his official
capacity as Director of the California Civil
Rights Department; and DOES 1-50,
inclusive,**

Defendants.

2:22-CV-01656-DAD-JDP

**DECLARATION OF CARLY J.
MUNSON IN SUPPORT OF
DEFENDANT'S OPPOSITION TO DOE
PLAINTIFFS' MOTION TO PROCEED
UNDER PSEUDONYMS**

Date: No Date Set
Time: No Date Set
Judge: Hon. Dale A. Drozd

Action Filed: September 20, 2022
First Am. Compl Filed: September 21, 2023

1 I, Carly J. Munson, declare as follows:

2 1. I am an attorney admitted to practice before the courts of the State of California and
3 before this Court. I am a Deputy Attorney General with the Office of the Attorney General,
4 which represents Defendant Kevin Kish in his official capacity as the Director of the California
5 Civil Rights Department (the “Department”) in the above-captioned matter.

6 2. I make this declaration in support of Director Kish’s Opposition to Doe Plaintiffs’
7 Motion to Proceed Under Pseudonyms. If called as a witness, I would and could competently
8 testify to the facts stated herein, all of which are within my personal knowledge.

9 3. Plaintiff Hindu American Foundation’s (HAF) Complaint was filed on September 20,
10 2022 (ECF No. 1), and served on Director Kish on November 17, 2022 (ECF No. 4).

11 4. On February 6, 2023, Director Kish filed his Motion to Dismiss Plaintiff’s Complaint
12 Pursuant to Federal Rule of Civil Procedure 12(b)(1) and 12(b)(6) and supporting documents
13 (ECF Nos. 8, 10). After considering the Parties’ briefing, the Court issued an order on August 31,
14 2023, that granted Director Kish’s Motion to Dismiss and provided leave for HAF to file an
15 amended complaint within 21 days of entry of the order. (ECF No. 20).

16 5. On September 20, 2023, HAF’s counsel, Tim Travelstead, contacted me by email to
17 inform me that HAF planned to file an amended complaint that would add individual plaintiffs to
18 the case. HAF’s counsel stated that some of the plaintiffs wanted to remain anonymous and
19 asked if Director Kish would stipulate that these unidentified plaintiffs could appear in the case
20 anonymously. I replied to HAF’s counsel the same day to seek further information regarding the
21 substance and scope of his request, and the basis for seeking anonymity. I stated that Director
22 Kish would be prejudiced in his ability to defend against this action if the Doe Plaintiffs’
23 identities were not disclosed to him. I provided my availability to meet and confer on the issue.
24 Because I would be out of the office later in the week, I also provided my colleague Supervising
25 Deputy Attorney General William Downer’s contact information and availability to meet and
26 confer. On September 21, 2023, HAF’s counsel responded to my email, but provided only vague
27 additional information. I replied to HAF’s counsel the same day to reiterate my and my
28 colleague’s availability to meet and confer. I reiterated that the scope and substance of Doe

1 Plaintiffs' request for anonymity remained unclear. I did not receive a reply from HAF's counsel.
2 A true and correct copy of counsels' email correspondence of September 20 and 21, 2023 is
3 attached hereto as **Exhibit A**.

4 6. On September 21, 2023, HAF filed its First Amended Complaint. (ECF No. 21).
5 Plaintiffs' First Amended Complaint includes two new claims and nine new plaintiffs, including
6 three unnamed "Doe" Plaintiffs. (ECF No. 21).

7 7. Following our email correspondence of September 20 and 21, 2023, HAF's counsel
8 did not speak with me or my colleague, Mr. Downer, further regarding the substance of Doe
9 Plaintiffs' anticipated motion to proceed under pseudonyms. On October 6, 2023, Plaintiffs filed
10 their Motion to Proceed Under Pseudonyms for the three unnamed Doe Plaintiffs. (ECF No. 24).

11 8. To date, the identities of three Doe Plaintiffs have not been disclosed to Defendant
12 Kish or his counsel.

13 9. To date, the Parties have not discussed or developed any agreements regarding how
14 prejudice to Director Kish could be mitigated at each stage of this case (for example, by preparing
15 an agreement regarding how to the Parties propose to conduct discovery).

16 10. On May 17, 2024, my colleague, Deputy Attorney General Jennifer A. Soliman, and I
17 spoke with Mr. Travelstead by videoconference as part of our meet and confer efforts regarding
18 Director Kish's concurrently filed Motion to Dismiss Plaintiffs' First Amended Complaint.
19 During that conversation, I informed Mr. Travelstead that Director Kish would be opposing Doe
20 Plaintiffs' Motion to Proceed Under Pseudonyms as currently presented to the Court, but that we
21 remain open meeting and conferring to discuss ways that prejudice to Director Kish could be
22 effectively mitigated.

23 I declare under penalty of perjury under the laws of the United States of America that the
24 foregoing is true and correct, and this declaration was executed at Sacramento, California this
25 20th day of May, 2024.

26 /s/ Carly J. Munson
27 CARLY J. MUNSON
28

Exhibit A

Carly Munson

From: Carly Munson
Sent: Thursday, September 21, 2023 10:54 AM
To: Tim Travelstead
Cc: Scott Ku; John Romero; William Downer
Subject: RE: HAF v. Kish - Amended Complaint

Tim,

Thanks for clarifying that you intend to file a motion. As I said, I'm available to meet and confer before 2 p.m. today. If that window does not work for you, my colleague Sonny (William) Downer is available thereafter while I'm out of the office.

From your email below, it is still not clear what the bases are for the proposed plaintiffs to proceed using pseudonyms. It is also unclear whether you are proposing to keep the identities of the plaintiffs confidential from both the public and the defendant, or whether you intend to disclose the identities of the plaintiffs to us and only seek to shield their names from the public.

Best regards,
Carly

From: Tim Travelstead <t.travelstead@narayantravelstead.com>
Sent: Thursday, September 21, 2023 10:18 AM
To: Carly Munson <Carly.Munson@doj.ca.gov>
Cc: Scott Ku <s.ku@narayantravelstead.com>; John Romero <j.romero@narayantravelstead.com>; William Downer <William.Downer@doj.ca.gov>
Subject: Re: HAF v. Kish - Amended Complaint

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Carly,

The local rules require us to meet and confer before filing a motion. The grounds for the request are similar to those used by the CRD in asking for John Doe to remain anonymous in the Cisco matter. They are tech industry workers worried about being targeted by the CRD, their employers, and anti-Hindu vitriol on line and in the workplace.

I suggested a stipulation as a method to communicate to the Court that the parties do not oppose the request, not to suggest that a stipulation would itself be sufficient. It would, of course, always be up to the Court.

Thanks.

Tim

Tim Travelstead
Managing Attorney

Case 2:22-cv-01656-DAD-JDP Document 40-1 Filed 05/20/24 Page 6 of 7
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7901 Stoneridge Drive
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Pleasanton, CA 94588

Telephone: (650) 403-0150
T.Travelstead@NarayanTravelstead.com

On Sep 20, 2023, at 5:25 PM, Carly Munson <Carly.Munson@doj.ca.gov> wrote:

Tim,

Thank you for your email. As a preliminary matter, I'm not aware that the Federal Rules allow us to address this issue by stipulation. If you believe we can do so, please provide the relevant Rules for consideration.

With regard to the substance of the issue, you have not provided sufficient information for us to reasonably evaluate whether these individuals meet the test for proceeding under pseudonym, nor our position on the issue.

Similarly, the scope of your proposed relief is unclear. To the extent that you are seeking permission not to disclose the plaintiffs' identities to Director Kish, as the defendant in this matter, we would have concerns. Without knowing the plaintiffs' identities, Director Kish will be severely prejudiced in his ability to defend this matter, including as to issues of immediate importance such as evaluating whether the plaintiffs have standing. Further, there is no reasonable factual basis for asserting that Director Kish would target any individual plaintiffs if aware of their identities.

I can be available to discuss this matter before 2 p.m. tomorrow. However, I have long-standing vacation plans that will take me away from the office thereafter, returning next Thursday. In my absence, please contact my colleague, Sonny Downer, who is copied on this email, if you need further assistance on this matter.

Best regards,
Carly

<image001.png>

Carly J. Munson

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California Department of Justice
Office of the Attorney General
1300 I Street | Sacramento, CA 95814
Phone: (916) 210-7845 | Email: Carly.Munson@doj.ca.gov
She / her / hers

From: Tim Travelstead <t.travelstead@narayantravelstead.com>
Sent: Wednesday, September 20, 2023 12:27 PM
To: Carly Munson <Carly.Munson@doj.ca.gov>
Cc: Scott Ku <s.ku@narayantravelstead.com>; John Romero <j.romero@narayantravelstead.com>
Subject: HAF v. Kish - Amended Complaint

Carly,

HAF is filing an amended Complaint that will add individual plaintiff's to the case. Some of those plaintiffs want to remain anonymous because of the threat of being targeted by either the CRD or their employers/coworkers because of their participation.

Are you willing to stipulate that they can appear in the case anonymously?

Thanks.

Tim

Tim Travelstead
Managing Attorney
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